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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Annual report of the United Nations High Commissioner for Human Rights on the activities of his office in Guatemala

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the annual report of the United Nations High Commissioner for Human Rights on the activities of his office in Guatemala (OHCHR-Guatemala). The report provides an overview of the human rights situation in Guatemala and the work of OHCHR-Guatemala in 2015.

In the context of corruption scandals involving senior public servants and political parties, the report describes progress in and challenges to the fight against impunity and the strengthening of the justice sector, including transitional justice. It highlights the high levels of violence, and examines the responses of security institutions. The report describes the insecure environment in which journalists and human rights defenders, among whom more killings were registered than in 2014, work. It describes the challenges that continue to be faced in protecting women and indigenous peoples' rights. Access to land, labour rights, the right to health, the right to food, and business and human rights are addressed. The report also describes OHCHR-Guatemala activities, and concludes with a set of recommendations.

OHCHR-Guatemala continued to implement the second phase of the Maya Programme, funded by Norway, helping to strengthen indigenous peoples' rights. OHCHR-Guatemala has implemented a project, funded by the European Union, for protecting human rights defenders in the electoral context.

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Annual report of the United Nations High Commissioner for Human Rights on the activities of his office in Guatemala*, **

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* The present report was submitted after the deadline in order to reflect the most recent developments.

** The report is being circulated in English and Spanish only.

I. Introduction

1. On 10 January 2005, the United Nations High Commissioner for Human Rights signed an agreement with the Government of Guatemala for the establishment of a country office (OHCHR-Guatemala). In March 2014 that agreement was extended for a third time, for three years. OHCHR-Guatemala monitors the human rights situation in the country and advises State institutions and civil society in order to enhance the promotion and protection of human rights.

2. The present report describes the human rights situation in Guatemala, paying special attention to justice reform; the fight against impunity; security policy in a context of persistent violence; the situation of indigenous peoples, human rights defenders, journalists and women; business and human rights; and economic and social rights. The report also describes the activities of OHCHR-Guatemala and concludes with a set of recommendations.

II. National context

3. The year 2015 was marked by the general elections, which were held in the context of an unprecedented political and institutional crisis and massive citizen mobilization, sparked by several investigations into corruption and organized crime networks that had infiltrated the State and some political parties.

4. Investigations conducted by the Attorney General's Office, in coordination with the International Commission against Impunity in Guatemala (CICIG), whose mandate was renewed to 2017, led to significant achievements in the fight against corruption and against criminal networks. The investigations linked public officials from various levels and certain candidates for elected office to crimes such as customs fraud, money laundering and irregular procurement.

5. When the corruption networks were revealed, various social sectors across the country gathered peacefully in mass demonstrations, demanding the resignation of the public officials involved, the transparent use of public funds, and deeper political, economic and social reforms to overcome poverty and exclusion. Consequently, several government officials resigned, including the President and the Vice-President, in September and May respectively, owing to their alleged involvement in corruption cases. Alejandro Maldonado Aguirre, appointed by the Congress as Vice-President in May 2015, assumed the presidency in September to complete the Government's term ending in January 2016.

6. In September 2015, presidential, legislative and municipal elections were held, as were elections for the Central American Parliament. Since the required majority to elect the President was not attained, a second round was held in October, which led to the victory of Jimmy Morales of the National Convergence Front party.

7. In general, elections were peaceful. Nonetheless, some incidents were reported, especially in the first round, including threats to journalists and human rights defenders, intimidation and coercion of voters, vote buying and roadblocks. Persons with disabilities faced obstacles in exercising their right to vote with regard to, among other things, physical access to polling stations and the lack of ballots in Braille. Of the 158 members of Congress elected, only 24 were women, including one indigenous woman and one feminist defender of the rights of the lesbian, gay, bisexual, transgender and intersex community. Of 338

mayors elected, only 8 were women.[1] The first election round saw the highest voter turnout in 30 years — 71.33 per cent. Twelve predominantly indigenous municipalities recorded a voter turnout of over 90 per cent. During the second round of the presidential elections, the turnout fell to 56.32 per cent.[2]

8. Guatemala faces an historic opportunity to undertake long-term State reforms based on broad consensus and respect for human rights. The population's demand for change should lead to concrete actions that guarantee strong, efficient and transparent institutions able to address the country's structural problems.

9. In response to social demands, Congress established four working groups to discuss legislative initiatives aimed at undertaking structural changes in laws to strengthen the justice sector, transparency in State procurement and contracting, the selection and nomination process for the civil service through the reform of the Civil Service Law, and the reform of the Electoral and Political Parties Law. Of those initiatives, only the law on State contracting was approved, in November.

10. In October, Congress submitted to the Constitutional Court a proposal to reform the Electoral and Political Parties Law. If approved, it would strengthen the Supreme Electoral Tribunal and the political participation and representation of women and indigenous peoples, and increase the transparency and oversight of election and campaign financing.

III. Justice

A. Combating impunity

11. The Attorney General's Office achieved significant results in the fight against impunity, enhancing the efforts of the previous Attorney General. It prosecuted various criminal networks linked to the State, and made progress in the investigation and prosecution of crimes, such as extortion and smuggling, that had affected social and economic rights. It also contributed to the dismantling of kidnapping and property-theft gangs, among others. The immunity of three judges and a magistrate involved in corruption cases was removed. The Attorney General's Office might be able to consolidate those results, if provided with adequate financial resources and if it is ensured that the current Attorney General is able to fulfil her mandate free from intimidation, obstacles and interference.

12. The justice system should continue to strengthen its legal framework as a whole, in line with international human rights standards. OHCHR-Guatemala, together with CICIG, provided technical assistance to the Congress Working Group on Security and Justice, analysing, among other things, proposed reforms to the law on injunction (*amparo*), habeas corpus and constitutionality and the law on impeachment to ensure the principles of swiftness, transparency and objective criteria in those procedures. The increasing number of judges on the tribunal and court with jurisdiction in high-risk trials, referred to as "Group C", constitutes an important step in the fight against impunity for past and present crimes.[3]

[1] Collective for the Defense of Women's Rights in Guatemala and Mirador Electoral, 2015.

[2] Results published by the Supreme Electoral Court, updated on 26 October 2015. Available at http://resultados2015.tse.org.gt/2v/resultados-2015/index.php.

[3] Supreme Court of Justice decision No. 10-2015. See A/HRC/28/3/Add.1 and Corr.2, paras. 24 and 99 (c).

13. The National Institute of Forensic Sciences (INACIF) still lacks adequate budgetary allocation, which is essential for its efficient and independent performance and for providing judicial proceedings with objective, scientific and reliable evidence.[4]

B. Independence of the judiciary

14. Attacks and threats against the independence and impartiality of judges and magistrates remained a concern. OHCHR-Guatemala received reports of armed attacks against at least two courts,[5] and threats to the safety and physical integrity of judges, particularly against the president of High-Risk Court "A"[6] and a member of the criminal court of the department of Santa Rosa. The security measures provided to judges by the Supreme Court of Justice should be enhanced.[7]

15. OHCHR-Guatemala observed that the Supreme Court's transfer of several judges to another jurisdiction without ensuring due process or applying clear and objective criteria could affect judicial independence.[8] The judges concerned considered their transfer as a sanction or reprisal of a political nature, and filed several injunctions. The Constitutional Court issued at least three resolutions revoking the transfers.

16. OHCHR-Guatemala and CICIG provided the Congress Working Group on Security and Justice with technical assistance on the comprehensive set of proposals for legislative reform of the Law on the Judicial Career. If approved, the reforms would create an independent council of the judicial career and strengthen the promotion, transfer and disciplinary procedures, as well as performance evaluation, on the basis of suitability, competence and integrity criteria. These legislative changes should be endorsed through constitutional reform in the area of justice.[9]

17. The authorities responsible for appointing the Constitutional Court's magistrates for 2016-2021 should ensure that the selected candidates meet the requirements of suitability, competence and honourability, and should apply objective, transparent and public criteria in this process.

C. Transitional justice

18. Investigations into and criminal prosecution of serious human rights violations committed during the internal armed conflict continued, including in cases related to the more than 500 skeletons exhumed on the military base of Cobán in 2013 and in the so-called Diario Militar case.[10] A public debate has been scheduled for February 2016 on a case of sexual violence committed against a group of indigenous women in 1982-1983 on the Sepur Zarco military base.[11]

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[4] See A/HRC/28/3/Add.1 and Corr.2, para. 99 (e), and A/HRC/25/19/Add.1, para. 96 (c).

[5] On 7 April, five home-made explosive devices were thrown by unknown people at the court for children and adolescents in conflict with the law in Chimaltenango. The court of first instance for civil and coercive economic cases in Coatepeque was attacked by gunfire on 20 April and the judge and court staff received threats on 2 July.

[6] See A/HRC/28/3/Add.1 and Corr.2, para. 24.

[7] See A/HRC/16/20/Add.1 and Corr.1, para. 30, A/HRC/19/21/Add.1, para. 27, and A/HRC/25/19/Add.1, para. 33.

[8] See A/HRC/16/20/Add.1 and Corr.1, para. 31, and A/HRC/22/17/Add.1, para. 32.

[9] See A/HRC/28/3/Add.1 and Corr.2, para. 22.

[10] Ibid., para. 26.

[11] Ibid.

19. In the trial of Efraín Ríos Montt, former Head of State, and José Mauricio Rodríguez Sánchez, former military intelligence chief, for the crime of genocide and crimes against humanity against the Ixil indigenous population, High-Risk Court "B" ruled in August, in accordance with the INACIF expert opinion, that the first accused, Mr. Ríos Montt, suffered from degenerative vascular dementia and would therefore have to undergo a specific procedure known as a "trial for the exclusive application of security and corrective measures".[12] The High Commissioner regrets that these acts may remain unpunished owing to the delay of more than 30 years in accessing justice for the victims.

20. The High Commissioner welcomes the decision of the First Chamber of the Court of Appeals, which, in accordance with international human rights standards, and reaffirming the non-applicability of statutory limitations to the crime of genocide and crimes against humanity, denied Mr. Ríos Montt's appeal for amnesty in the trial he was facing for the crime of genocide.[13] This unprecedented ruling represents a milestone in the fight against impunity for the crimes of the past.

21. In an attempt to hamper the work of the Special Unit on Internal Armed Conflict Cases, at least three criminal complaints were filed, in February, April and August, against the 11 prosecutors in the Special Unit, accusing them of: justification of crime, abuse of authority, dereliction of duty, abuse of individuals, illegal acceptance of gifts, prevarication and denial of justice. Two complaints were dismissed by the judiciary in July for lacking legal basis.[14] A decision on the third complaint, against the Guatemalan Forensic Anthropology Foundation, is still pending.

22. OHCHR-Guatemala has provided technical assistance in the implementation of the reparations policy for the victims affected by the construction of the Chixoy hydroelectric dam in 1975.[15] The High Commissioner welcomes the State's efforts to move forward in the first implementation phase, through three disbursements, for the indigenous communities of Río Negro, Pacux and Chicruz. He encourages the authorities to prioritize the policy's full implementation.

23. The implementation of the National Reparations Programme, established in 2003 to compensate the victims of the internal armed conflict, continued to face challenges related to the lack of adequate budgetary allocation. The budget approved for 2016 covers only administrative costs, seriously hampering the provision of compensation for the victims of the internal armed conflict.

D. Justice and indigenous peoples

24. Indigenous peoples continued to face significant challenges in accessing ordinary justice. However, some improvements have been made, including dialogue, fostered by the Indigenous Peoples Department of the Attorney General's Office and the judiciary's Indigenous Affairs Unit, between indigenous authorities and the ordinary justice system. The Attorney General's Office, with technical assistance from OHCHR-Guatemala, also drew up guidelines to develop an institutional policy on indigenous peoples' access to justice. Moreover, the Centre for Indigenous Legal Translation and Interpretation of the judiciary has consolidated linguistic interpretation services to facilitate such access.

[12] Criminal Procedure Code, arts. 484-486.

[13] File 01076-2001-00015, appeal, communication 3, 5 October 2015; see A/HRC/28/3/Add.1 and Corr.2, para. 27.

[14] Consolidated injunctions 158-2015 and 168-2015, communication 5; injunction 01018-2015-00046, note 1.

[15] See A/HRC/28/3/Add.1 and Corr.2, para. 15.

25. The Constitutional Court handed down four judgements on the right to consultation of indigenous peoples in cases of transmission and generation of electricity projects in the region inhabited by the Ixil people.[16] In three of those cases,[17] the Court consolidated criteria in line with international standards, such as the right of indigenous authorities to claim collective rights, and the acknowledgement of international legal norms on the right to consultation of indigenous people as part of the body of constitutional law. However, the same judgements did not fully uphold the communities' claims to repeal the respective ministerial decrees authorizing electric power transmission and hydroelectric power generators.[18] This repeal is subject to a consultation in which communities and other stakeholders will have to demonstrate the effects of the aforementioned projects on their rights.[19]

E. Persons deprived of liberty and juveniles in conflict with the law

26. The detainee population exceeded by 200.94 per cent the capacity of the country's 22 detention centres.[20] The general lack of protection of detainees' rights, widespread corruption and the lack of a legal basis for many detentions remained of concern. In December a confrontation between detainees resulted in 17 deaths in the Canadá detention centre in Escuintla. The centre, with a capacity for 600 detainees, has a population of 3,063 detainees and only 17 active guards.[21] Three strikes by penitentiary guards took place in protest against low wages and poor working conditions.

27. Juvenile detention centres exceeded their capacity by 54.9 per cent.[22] OHCHR-Guatemala observed that in the Juvenile Detention Centre for Boys II, known as the "Annex", adolescents were confined in cells without ventilation or access to water, and left their cells for only about four hours per week. Several allegations of ill-treatment of adolescents during detention were received. In July, two guards from the Annex were killed during a riot. In April, the director of the "Gaviotas" Provisional Detention Centre for Boys was killed, allegedly as reprisal for ill-treatment in the detention centre.

28. Despite some progress in complying with the precautionary measures granted by the Inter-American Commission on Human Rights on behalf of people with mental disabilities confined in the Federico Mora Mental Hospital, the infrastructure and sanitary conditions in the hospital remain deplorable.[23] This was evidenced by the decision of the Fourth Chamber of the Court of Appeal not to allow Mr. Ríos Montt to be taken to that hospital, as it did not meet the required standards.[24]

29. OHCHR-Guatemala is concerned about alleged administrative irregularities concerning the mismanagement of resources and abuse of employees committed by some rapporteurs of the National Office for the Prevention of Torture, which are currently being

[16] File 156-2013, judgement of 28 January 2014, handed down in April 2015; consolidated files 5237-2012 and 5238-2012, judgement of 25 March 2015; file 1149-2012, judgement of 10 September 2015; and consolidated files 4957-2012 and 4958-2012, judgement of 14 September 2015.

[17] Files 156-2013 and 1149-2012 and consolidated files 4957-2012 and 4958-2012.

[18] Ministry of Energy and Mines, Ministerial Agreements 99-2011 of 13 June 2011, 258-2011 of 22 December 2011, and 244-2011 of 1 December 2011.

[19] Constitutional Court, file 156-2013, p. 67, file 1149-2012, p. 45, and consolidated files 4957-2012 and 4958-2012, p. 50.

[20] Data from the Operative Branch of the Penitentiary System, 1 December 2015.

[21] Interview with the head of the Canadá detention centre, December 2015.

[22] Social Welfare Secretary of the Presidency of the Republic, data from January to August 2015.

[23] See A/HRC/28/3/Add.1 and Corr.2, para. 37, and A/HRC/25/19/Add.1, para. 40.

[24] Habeas Corpus 11-2015, No. 01184-2015-00053, of 24 July 2015.

investigated by the Office of the Comptroller-General and the Attorney General's Office, respectively.

IV. Security

30. In 2015, according to INACIF, the number of violent deaths decreased by 3.7 per cent compared to 2014, with an average of 15.7 violent deaths per day recorded.[25] Young people between the ages of 13 and 29 accounted for 56.3 per cent of the victims.[26] Firearms were the leading cause of death in 75 per cent of the cases,[27] underscoring the urgent need for a national disarmament plan.[28] In addition, the Office of the Ombudsman for Human Rights reported that 42 people had been killed and 108 injured by lynching in 2015,[29] including a re-elected mayor.[30]

31. Despite the outstanding challenges in vetting the police force, there have been efforts to ensure accountability for crimes committed by police officers, including for human rights violations. In the first seven months of 2015, the Inspectorate-General of the National Civil Police detained 436 police officers allegedly involved in criminal acts,[31] including abuse of authority, theft and kidnapping. Following the 2014 assassination of three indigenous people in Samacoch, Alta Verapaz,[32] 19 arrest warrants were issued against National Civil Police officers. However, only four were tried for extrajudicial execution. In Villa Nueva, four police officers, accused in April 2014 by the Attorney General's Office of the arbitrary detention and torture of four people, were prosecuted in October 2015, but only for abuse of authority and minor injuries.[33]

32. The State's lack of control of the private security sector remained challenging. Allegations that personnel of private security companies were involved in theft, extortion and sexual assault, among other crimes, were received.[34] The number of private security companies increased from 149 in 2014 to 163 in 2015.[35] The Directorate-General of Private Security Services (DIGESSP) regularized 79 companies operating in accordance with Decree 52-2010, three times more than in 2014,[36] and suspended 40 companies that failed to comply with the legal framework. The suspended private security companies filed legal complaints against the decision. The complaints were subsequently dismissed by the Constitutional Court. In June, the director of DIGESSP resigned because of external pressure.

33. In January, the Ministry of Defence continued to deploy the reserve army squads for citizen security on the basis of government decision 31-2015, contradicting the commitment made by the Government to the High Commissioner in 2012 to develop a timetable for the gradual withdrawal of the armed forces from citizen security tasks.[37] It is

[25] INACIF, autopsies conducted between January and October 2014 and January and October 2015.
[26] INACIF, autopsies conducted between January and October 2015.
[27] Ibid.
[28] See A/HRC/28/3/Add.1 and Corr.2, para. 43.
[29] Office of the Ombudsman for Human Rights, data to October 2015.
[30] The re-elected mayor of Concepción, Sololá, was lynched on 11 October 2015.
[31] Data from the Inspectorate-General of the National Civil Police, January to 15 December 2015.
[32] See A/HRC/28/3/Add.1 and Corr.2, para. 40.
[33] National Civil Police, Office of Professional Responsibility.
[34] The Attorney General's Office received 108 complaints to July 2015, reflecting the trend observed in 2014.
[35] Directorate-General of Private Security Services, January-15 December 2015.
[36] Ibid.
[37] See A/HRC/28/3/Add.1 and Corr.2, para. 41, A/HRC/25/19/Add.1, para. 42, and

worrying that in July, in San Pedro Yepocapa, Chimaltenango, five soldiers from the Mariscal Zavala Military Brigade brutally beat two teenagers resisting a strip search. A video of the incident was posted on social networks, resulting in the opening of judicial proceedings against the soldiers for child abuse, ill-treatment and abuse of authority.

V. Democratic space

34. Public discontent about corruption scandals uncovered by the Attorney General's Office and CICIG led to the revitalization of peaceful citizen mobilization and participation, in which citizens questioned the existing political system and called for an overhaul.

35. Social networks were crucial in channelling this rejection and fostered the emergence of new movements, which, starting in April, called for a series of peaceful mass protests. Between April and September, more than 20 peaceful demonstrations throughout the country brought together about 100,000 people demanding the authorities' resignation and thorough State reform. What started as a movement driven mainly by urban young people expanded to include other social groups, including campesinos, students, indigenous peoples, entrepreneurs, academics, lesbian, gay, bisexual, transgender and intersex people, elderly people, and people with disabilities. The movement culminated in the holding of a national strike on 27 August, which prompted the President's resignation in September.

36. Following a monitoring exercise conducted jointly with the Ombudsman, OHCHR-Guatemala concluded that the demonstrations had been peaceful, and that the State had guaranteed the rights to the freedoms of expression, peaceful assembly and association.

A. Right to freedom of expression

37. Mass, community and digital media played a key role in reporting on corruption cases and mobilizing citizen protest movements. The strengthening of digital media helped to increase sources of information despite the concentration of mass media ownership by few people.

38. In January, the closure of Community Radio Q'anjob'al Snuq' Jolom Konob' by the mayor of Santa Eulalia, Huehuetenango, and the absence of a legal framework for community radio, hindered the exercise of the right of indigenous peoples to their own media in their own languages.

39. The Attorney General's Office recorded 120 allegations of attacks against journalists, 36 lodged by women, compared to 71 in 2014.[38] Those include the murder of three journalists, on 10 and 13 March, in Suchitepéquez, and two allegations of sexual violence against women journalists perpetrated by alleged agents of the Department of Administrative and Security Affairs. In the case of the murdered journalists, the Attorney General's Office, with CICIG support, has detained nine alleged perpetrators who are currently being prosecuted.

A/HRC/22/17/Add.1, para. 24.

[38] Attorney General's Office, data from January to November 2015 and January to November 2014, respectively.

B. Human rights defenders

40. The Unit for the Protection of Human Rights Defenders of Guatemala (UDEFEGUA) reported an increase in murders of human rights defenders as compared to 2014,[39] registering 13 cases between January and November. In the same period, 445 attacks were registered; 53 per cent targeted women.[40] The victims continued to be mainly defenders of land-related rights, indigenous peoples' rights and journalists. OHCHR-Guatemala is concerned about, inter alia, attacks through social media against members of UDEFEGUA, the Centro de Acción Legal Ambiental y Social de Guatemala (CALAS, working on environment issues), Fundación Sobrevivientes and Fundación Myrna Mack (the fight against impunity), and the Organización de Diversidad Sexual para la Cultura, la Educación y las Artes (ODISCEA, sexual diversity), as well as against the CICIG Commissioner.

41. Between April and August, OHCHR-Guatemala recorded 23 attacks against defenders of the civic movement that stemmed from the institutional crisis. In May and July, it was informed of attacks against members of the #XelaSosVos organization and of threats through social media against leaders of the Sumpango Libre movement.

42. In September, Sebastián Sajic Córdova, an ancestral authority and member of the Council of Principals of the Ixil municipality of San Juan Cotzal, Quiché, was murdered. Mr. Sajic had been a witness in General Fernando Romeo Lucas García's trial for the crime of genocide, and had supported indigenous claims on the right to consultation in relation to hydroelectric projects. The case is being investigated by the Human Rights Section of the Attorney General's Office; one person was arrested in September. Also in September, Rigoberto Lima Choc, a professor and one of the first to blow the whistle on the pollution of La Pasión river allegedly caused by the REPSA palm company, was murdered in front of the Justice of the Peace Court of Sayaxché, Petén.

43. OHCHR-Guatemala remains concerned about the misuse in several cases of criminal law against defenders who claim their rights in the context of hydroelectric and mining projects. Several arrest warrants were issued and several defenders were detained on charges of conspiracy, illegal gathering or demonstrating, and incitement to commit crimes, as well as on charges for offences, such as kidnapping, for which alternative measures to detention are not provided.[41] Between January and October, OHCHR-Guatemala registered the arrest of 10 defenders in Huehuetenango and San Marcos who, as at November 2015, were still in detention. Some of them have spent more than 250 days in custody. In some of those cases, the kidnapping allegations were dismissed and the human rights defenders are being prosecuted for lesser crimes, such as illegal detention.

44. High levels of impunity persist in criminal proceedings for human rights violations against human rights defenders and journalists, as illustrated by the case related to the April 2013 kidnapping and murder of the Q'anjob'al indigenous journalist Daniel Pedro Mateo. Although one of the perpetrators was convicted in October 2015 for kidnapping, to date no other individual responsible for the murder has been identified. There has been no progress in the investigation of the March 2013 murder of trade unionist Carlos Hernández in Chiquimula, nor in the trial for the murder of Pascual Basilio Pascual Diego, in Santa Eulalia, in January 2015.[42]

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[39] UDEFEGUA registered seven murders between January and November 2014. Annual Report on Human Rights Defenders.

[40] UDEFEGUA, data from January to November 2015.

[41] See A/HRC/28/3/Add.1 and Corr.2, para. 46.

[42] See A/HRC/25/19/Add.1, para. 45.

45. The Unit for the Analysis of Attacks against Human Rights Defenders of the Ministry of the Interior[43] continued to strengthen its coordination with the Human Rights Section of the Attorney General's Office. Wider and more diverse participation of human rights defenders in the work of the Unit would help strengthen its effectiveness.

46. With technical support from OHCHR-Guatemala and the United Nations Educational, Scientific and Cultural Organization (UNESCO), the technical committee on the creation of a mechanism to protect journalists, under the coordination of the Secretariat for Social Communication of the Presidency, completed a proposal to establish such a mechanism, which should be independent and based on a legal framework, and receive the necessary funding. The adoption of the proposal is pending and should be integrated into a comprehensive policy for the protection of human rights defenders.

VI. Women's rights

A. Violence against women

47. INACIF reported 563 cases of violent death of women.[44] In addition, 1,464 allegations of femicide and other forms of violence against women were reported to the judiciary, compared to 1,517 cases in 2014.[45] The specialized tribunals on femicide and violence against women issued 1,725 verdicts in 2015, compared to 1,400 in 2014.[46]

48. Following its analysis of judgements finalized in 2015 in cases of femicide and other forms of violence against women,[47] OHCHR-Guatemala concluded that the specialized criminal courts were an important contribution to the fight against impunity, mainly due to the training of specialized judges. However, the transfer to other jurisdictions of judges who have been trained on violence against women makes it difficult to maintain homogeneity in the courts and causes a loss of specialized human resources.

49. In 2015, some members of the National Coordinator for the Prevention of Domestic Violence and Violence against Women were not appointed, and the national plan for the prevention and eradication of domestic violence and violence against women was not renewed.

50. The deadline to comply with the judgement of the Inter-American Court of Human Rights in the case of the murder in 2001 of an adolescent, María Isabel Veliz Franco, lapsed in July. Despite meetings held in 2015 by State authorities with the victim's relatives, there was only partial progress in substantive compliance with the ruling.[48]

B. Sexual and reproductive rights

51. The Ministry of Public Health and Social Welfare reported some alarming figures: 4,431 pregnancies among girls aged between 10 and 14, and 64,398 pregnancies among

[43] See A/HRC/28/3/Add.1 and Corr.2, para. 50.
[44] INACIF, data for January to October 2015.
[45] Judiciary, data for January to August 2015 and for January to August 2014, respectively.
[46] Judiciary, data for January to August 2015 and Judiciary, data for January to August 2014, respectively.
[47] See A/HRC/28/3/Add.1 and Corr.2, para. 52.
[48] Ibid.

girls aged 14 to 19.[49] Urgent measures to reduce teenage pregnancies need to be taken, including with respect to the prevention of sexual violence, comprehensive sexuality education and youth-friendly health services.

52. The adoption of Decree 8-2015 constitutes a positive step, increasing to 16, from 14, the age at which exceptions to allow early marriage can be made. However, further regulation is required, since early marriage is allowed by judicial decision without any ruling on the circumstances that could justify the exception, leaving to judges the discretion to authorize early marriages, in contradiction with international standards and recommendations of the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child.[50]

VII. Rights of indigenous peoples

A. Discrimination

53. Indigenous peoples continued to be victims of racial discrimination, inequality and exclusion. A total of 79.2 per cent of indigenous people live in poverty and 39.8 per cent in extreme poverty.[51] About 83 per cent have limited access to education and health, compared to 49 per cent within the mestizo population.[52] Of concern are the levels of discrimination against and poverty of Garifuna people and people of African descent.[53] The Presidency of the Republic and the Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA) launched in November the International Decade for People of African Descent, which constitutes an opportunity to develop a national programme to reverse this situation.

54. Representation of indigenous peoples in State institutions at the highest level remained almost non-existent. Among the 14 ministers, only one Maya K'iche' woman was appointed in September, as Minister of Social Development. In the judiciary, for the first time, an indigenous magistrate served as President of the Supreme Court.

55. After the 2015 elections, the number of Congress seats held by indigenous persons decreased. Only one indigenous woman was elected. Xinka, Garífuna and people of African descent did not win any seat. At the municipal level, indigenous representation remained the same as in previous periods. Xinka representatives occupied some positions in five municipal corporations.

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[49] Reproductive Health Observatory, data from January to August 2015.

[50] See joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), paras. 20 ff.

[51] National Statistics Institute (INE), National Survey of Living Conditions 2014, pp. 4 and 9. Available from www.ine.gob.gt/sistema/uploads/2015/12/11/vjNVdb4lZswOj0ZtuivPIcaAXet8LZqZ.pdf.

[52] United Nations Development Programme assessment in the framework of the adoption of the Sustainable Development Goals. Available from www.gt.undp.org/content/guatemala/es/home/ourperspective/ourperspectivearticles/2015/09/16/-qu-desarrollo-queremos-para-guatemala-de-2015-a-2030-.html.

[53] INE, communication T.269-2015.

B. Access to land and territories

56. The High Commissioner welcomes the Constitutional Court decision, based on international standards and having an intercultural approach, in which the Court recognized the collective property of eight Q'eqchi' communities from Sierra Santa Cruz, El Estor and Livingston, Izabal. The Court defended their right to restitution of ancestral lands and territories that had been stripped by "notoriously unlawful legal transactions".[54]

57. In September, Jalapa Municipality[55] restored the status of Santa María Xalapán as an indigenous community, reversing the administrative procedure that had turned it into a civic association in 2004. However, OHCHR-Guatemala observed that in several cases, the State continued to ignore the recognition of the indigenous communities' legal status, for instance when it failed to comply with Constitutional Court decisions, as in the case of the Kaqchikel indigenous community of Chuarrancho village.[56] In that case, OHCHR-Guatemala received information that the municipality had stated that in order to maintain its indigenous community status, the community had to comply with requirements similar to those applied to non-governmental organizations, thereby distorting the community's legal nature.

58. OHCHR-Guatemala noted the refusal of the Sayaxché and Poptún municipalities in Petén to register indigenous communities, leading to the filing of injunctions.[57] In the case of the Cho'orti indigenous community of Morola, the Camotán municipality in Chiquimula denied the community status as a collective subject of law and barred it from governing its communal land and natural resources, proposing instead divided titles and individual land ownership.

59. The Ministry of the Environment and Natural Resources amended the rules for environmental evaluation, control and monitoring.[58] Despite international, regional and national human rights jurisprudence on the matter, the Ministry did not integrate an appropriate mechanism for consultation with indigenous peoples.[59] As a result, in 2015, the Ministry of Energy and Mines granted seven hydroelectric projects without consultation with indigenous peoples.[60]

60. In July, the construction of the El Progreso VII Mining Project in San Pedro Ayampuc and San José del Golfo was subject to an injunction granted by the Supreme Court[61] to the deputy mayors of El Guapinol and Carrizal, ordering a halt to the construction. An appeal against the decision has been filed with the Constitutional Court.

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[54] Constitutional Court, file 5955-2013, judgement of 25 November 2015.

[55] Record No. 54-2015 of the Jalapa Municipality Local Council, 22 September 2015.

[56] See A/HRC/28/3/Add.1 and Corr.2, para. 57.

[57] Injunction 02-2015, communication 2°, File M0007/2015/1965.

[58] Government decision No. 60-2015, 2 February 2015.

[59] Files 1149-2012 and 159-2013, and consolidated files 4957-2012 and 4958-2012.

[60] Ministerial decrees Nos. 27-2015, 238-2015, 288-2015, 301-2015, 305-2015, 325-2015 and 359-2015.

[61] Appeal 01050-2014-00871.

VIII. Economic and social rights

61. Although the gross domestic product increased 4.2 per cent in 2014,[62] the total poverty gap increased to 22 per cent, up from 19.5 per cent in 2006, according to data from the National Survey of Living Conditions,[63] showing that the country's economic growth is not reflected in development opportunities for all members of the population. There is a need for appropriate mechanisms to redistribute wealth in the country.

A. Monocultures and access to land

62. OHCHR-Guatemala continued to receive complaints from campesinos and indigenous communities about the impact of monoculture expansion on their rights to access to land, a healthy environment and adequate food. In May and June, the Committee for the Defence of Life and Nature of Sayaxché, Petén, denounced the contamination of La Pasión river by the palm company REPSA, which caused high fish mortality. The Attorney General's Office immediately initiated a criminal prosecution against REPSA. OHCHR-Guatemala, in coordination with the United Nations system, monitored the case and submitted recommendations to relevant authorities, such as for the approval of a water law by Congress.[64]

63. The land demarcation conflict between 14 communities of El Estor, Izabal,[65] and a palm company remains unresolved, delaying the collective land titling of the indigenous communities in Sierra de las Minas.[66]

64. The lack of resources, and the changes in the Cabinet, prevented the Land Fund (FONTIERRAS) from complying with the State's commitment on land purchase for over 600 families from the Polochic Valley communities who were displaced following the purchase and lease of 37 farms for growing sugar cane and have not yet been resettled.[67] Their precarious conditions of health have worsened due to a lack of access to adequate food and health services.[68] OHCHR-Guatemala encourages FONTIERRAS and the Secretariat of Agrarian Affairs (SAA) to continue their efforts to compensate all victims.

B. Labour rights

65. High levels of non-compliance with the payment of the minimum wage, set at an average of 2,644.40 quetzales (347 United States dollars) per month continued to be observed, particularly in the agricultural sector, which employs 31.2 per cent of the

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[62] World Bank. See www.bancomundial.org/es/country/guatemala.

[63] INE, National Survey of Living Conditions 2014, p. 11.

[64] OHCHR-Guatemala, press release, available from www.ohchr.org.gt/documentos/comunicados/20150721_ConferenciaPrensa_RioLaPasion.pdf.

[65] Semuy I, Semuy II, San Pablo II abajo, Quebrada Seca, Naranjal Yaxte, Ensenada Manzana Rosa, Caaxlampom-Pataxte, Playa Pataxte, Nuevo Jerusalén, Seaman, Chapín Abajo, San Pablo I, Manguito II and Selenpim.

[66] See A/HRC/28/3/Add.1 and Corr.2, para. 57.

[67] In March 2011 in the Polochic Valley, Panzos municipality, Alta Verapaz, 732 families were evicted following the purchase and lease of 37 farms in order to produce sugar cane. See A/HRC/28/3/Add.1 and Corr.2, para. 68, and OHCHR-Guatemala, "Los desalojos en el Valle del Polochic: Una mirada a la problemática agraria y a la defensa de los derechos humanos de las comunidades q'eqchi's" (2013). Available from www.oacnudh.org.gt/documentos/informes/Estudio_desalojos_Polochic_2013.pdf.

[68] Oxfam-Guatemala, "Evaluación de la situación de seguridad alimentaria y nutricional de las familias desalojadas en el valle del Polochic".

population.[69] In addition, the payment of wages was conditioned upon excessive labour goals set unilaterally by the employer.[70] As part of an initiative to generate employment through differentiated wages, the Government tried to reduce the minimum wage for the manufacturing industry to 1,500 quetzales ($195.31) per month in four municipalities,[71] further increasing the gap between the minimum wage and the cost of the basic basket. In January, the Ombudsman challenged this decision legally. In September, in line with international standards, the Constitutional Court ruled that the measure was unconstitutional.[72]

66. The failure to pay the minimum wage continued to affect several sectors, despite an increase of 137 per cent in the cost of living as compared to 2000.[73] OHCHR-Guatemala received complaints of domestic workers earning salaries of 1,200 quetzales ($156) per month, or even less in the provinces.

67. In November, the Ministry of Economy introduced a bill to renew tax benefits for exporters and other sectors. The bill does not provide for mechanisms to ensure compliance with labour rights and the right to a healthy environment. The adoption of tax reform to foster social investment is still needed.[74]

68. The High Commissioner commends the Minister of Labour and Social Security's approval in December of, among other measures, the Protocol of the Inspectorate-General for Labour, which includes specific guidelines to monitor the rights of farmworkers. However, the Inspectorate was weakened by a 7 per cent budget cut[75] compared to 2014.[76] The budget approved for 2016 reflects a further reduction of 5 per cent.[77] Contrary to the requests of the International Labour Organization (ILO)[78] and OHCHR-Guatemala,[79] the Inspectorate remains deprived of sanctioning power in cases where labour rights are infringed.

69. In August, a court in El Tumbador municipality, San Marcos, convicted the administrator of the San Juan Loarca estate of coercion of 12 former worker-tenant families. However, those families remain at risk of eviction, as the current owner of the estate did not fulfil his predecessor's commitment to grant them land titles in payment for their labour. According to the Ministry of Agriculture, Livestock and Food, the total number of workers-tenant cases in the country encompass about 36,000 families.[80]

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[69] An agricultural worker earns 1154.00 quetzales per month. INE, National Survey of Employment and Income 2-2014, April 2015.

[70] See A/HRC/22/17/Add.1, paras. 78-79, A/HRC/25/19/Add.1, para. 71, and A/HRC/28/3/Add.1 and Corr.2, para. 69.

[71] Government decisions 471, 472, 473 and 474 of December 2014, in the municipalities of Masagua, Escuintla; Estanzuela, Zacapa; and San Agustín Acasaguastlán and Guastatoya, El Progreso.

[72] File 2,151,298,1045-2015.

[73] INE, National Survey of Living Conditions 2014, p. 3.

[74] See A/HRC/16/20/Add.1 and Corr.1, para. 66.

[75] Presupuesto General de Ingresos y Egresos del Estado. Ejercicio fiscal 2015. Available from www.minfin.gob.gt/archivos/presua2015/inicio.htm.

[76] See A/HRC/25/19/Add.1, para. 70.

[77] Proyecto de Presupuesto General de Ingresos y Egresos del Estado. Ejercicio fiscal 2016. Available from www.minfin.gob.gt/archivos/proypre2016/inicio.htm.

[78] ILO, document GB.319/INS/7 (& Corr.), available from www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_227081.pdf.

[79] See A/HRC/28/3/Add.1 and Corr.2, para. 102 (c).

[80] Social Communication Secretary of the Presidency, bulletin No. 641, 11 February 2014.

70. The number of threats and acts of intimidation against trade unionists increased from 105 in 2014 to 113 in 2015.[81] One trade unionist employed with the Jalapa municipality was murdered in September.[82] As a result of an intersectoral round table, the Attorney General approved instruction No. 01-2015 to investigate and prosecute crimes against workers, union leaders, unionized workers and other defenders of labour and union rights.

71. In 2014, under the Dominican Republic – Central America – United States Free Trade Agreement, the Government of the United States of America established an arbitration panel on the non-compliance with the implementation plan established by Guatemala and the United States in April 2013 to improve labour conditions.[83] In November 2015, ILO decided to postpone, once again, to March 2016, the decision to establish a commission of inquiry for the implementation of union freedom rights.[84]

C. Right to health and right to food

72. Guatemala has faced an unprecedented health-sector crisis. Hospitals have completely exhausted the existing supplies. There is a lack of medical staff, and doctors see an average of 15 to 30 patients per day in external consultation and hospital visits.[85] In addition, medical personnel publicly protested that their salaries had not been paid for over six months.

73. Investigations undertaken by the Attorney General's Office and CICIG revealed the impact of corruption on the enjoyment of the right to health. To date, several corruption networks involved in drug procurement processes, as well as irregularities in the signing of contracts with service providers, have been identified in the Guatemalan Social Security Institute. The irregularities include inadequate provision of medical services, such as peritoneal dialysis for kidney patients.

74. The health-sector crisis and the closure of almost the entire Extension Coverage Programme[86] hampered the implementation of the "1,000-day window" programme, a core component of the Zero Hunger Plan, constraining the availability of first-level care for people living in remote areas and endangering children affected by malnutrition.

75. A 6 per cent decrease in acute malnutrition among children under five was reported in 2015, as compared to 2014.[87] The number of reported deaths of children under five resulting from acute malnutrition dropped from 103 between January and September 2014 to 84 in the same period in 2015.[88] Due to the prolonged heat wave, over 175,387 families

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[81] Information from the Attorney General's Office, Special Prosecution Unit for Crimes against Trade Unionists of the Human Rights Section.

[82] Ibid.

[83] Office of the United States Trade Representative, Remarks by Ambassador Michael Froman on labor enforcement case against Guatemala. Available from https://ustr.gov/about-us/policy-offices/press-office/speeches/2014/September/Remarks-by-Ambassador-Froman-on-Labor-Enforcement-Case-Against-Guatemala.

[84] ILO, document GB.325/INS/8 (Rev.1), para. 47 (b). Available from www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_419598.pdf.

[85] Human Rights Ombudsman, "Crisis en el sistema nacional de salud", press release. Available from www.pdh.org.gt/archivos/descargas/Sala%20de%20prensa/Comunicados/comunicado_pdh_sistema_nacional_de_salud_09112015.pdf.

[86] Ministry of Public Health and Social Welfare programme to provide medical care in rural areas.

[87] Health Information System, http://sigsa.mspas.gob.gt/.

[88] Ministry of Health, report of the Technical Committee for the Analysis of Mortality caused by Acute Malnutrition, 2015.

lost 50 to 100 per cent of their corn and bean crops and had no food reserves, which represented a challenge in tackling food insecurity.[89]

IX. Business and human rights

76. In follow-up to the second Forum on Business and Human Rights, the Ministry for Foreign Affairs, with OHCHR-Guatemala support, fostered dialogue with government representatives, civil society and companies in the framework of the Guiding Principles on Business and Human Rights. OHCHR-Guatemala hopes that this space of training, reflection and dialogue will contribute to the inclusion of a human rights approach in business management and in public policies in order to prevent conflict situations triggered by potentially negative impacts on human rights of business activities, particularly those relating to indigenous peoples and the environment.

X. Activities of the Office of the United Nations High Commissioner for Human Rights in Guatemala

77. In 2015, OHCHR-Guatemala carried out 80 monitoring missions in the field and met regularly with authorities, social organizations, indigenous communities, human rights defenders, victims and their relatives, and witnesses of alleged or confirmed human rights violations.

78. OHCHR-Guatemala, with support from other OHCHR offices in the region and the United Nations country team and in collaboration with the Ombudsman, monitored the human rights situation during the electoral process in 30 municipalities.

79. OHCHR-Guatemala, together with the United Nations system, provided technical assistance to Congress in drawing up various legislative initiatives.

80. OHCHR-Guatemala provided technical assistance to the Ministry of Labour and Social Security in developing a protocol for the Inspectorate-General for Labour; to the Ministry of the Environment and Natural Resources in providing training, aimed at officials responsible for environmental impact studies, on the rights of indigenous peoples; and to the Secretariat for Food Security in developing a protocol with civil society to ensure the right to food. OHCHR-Guatemala and the Ombudsman issued a joint report on monitoring the implementation of the Zero Hunger Plan.

81. OHCHR-Guatemala and UNESCO provided technical assistance to the technical committee for the creation of a mechanism to protect journalists. OHCHR-Guatemala regularly attended the meetings of the Unit for the Analysis of Attacks against Human Rights Defenders and provided recommendations for strengthening its capacities.

82. OHCHR-Guatemala continued to provide training on international human rights standards in the administration of justice for judges dealing with high-risk cases, for magistrates and legal clerks of the Constitutional Court and the sections for injunctions and for human rights in the Attorney General's Office. The office completed the annual update of the thematic systematization of international standards for the Constitutional Court's website and provided technical assistance to the Court in developing a human rights communications plan.

[89] Food and Nutritional Security Secretary, food and nutrition security forecast for September-November 2015, September 2015.

83. OHCHR-Guatemala provided advice to the Human Rights Section of the Attorney General's Office on developing a general instruction on the investigation of attacks against human rights defenders. It also helped to draft, together with ILO, a procedures manual for the Special Prosecution Unit for Crimes against Trade Unionists of the Human Rights Section of the Attorney General's Office.

84. Through the Maya Programme, funded by Norway, OHCHR-Guatemala and the Department for Indigenous Peoples of the Attorney General's Office finalized the guidelines for designing a policy on indigenous peoples' access to justice with a human rights approach". OHCHR-Guatemala provided technical assistance to the Indigenous Affairs Unit of the judiciary in updating the training programme on indigenous peoples' rights and the curriculum of the School of Judicial Studies. It advised the Constitutional Court in identifying jurisprudential trends in the rights of indigenous peoples and indigenous women.

85. OHCHR-Guatemala provided technical assistance to the unit responsible for the control, monitoring and evaluation of the specialized tribunals of the judiciary in incorporating a new software tool to analyse sentences for crimes of femicide and other forms of violence against women, and in organizing the annual meeting of specialized tribunals.

86. With the Ministry of Foreign Affairs, OHCHR-Guatemala organized the second Forum on Business and Human Rights, with the participation of the Government, the business sector and civil society.

87. OHCHR-Guatemala advised and supported social organizations on issues relating to transitional justice, security, indigenous peoples' rights, women rights, persons with disabilities and human rights defenders. In support of the International Platform against Impunity, OHCHR-Guatemala organized a meeting on human rights indicators and the universal periodic review. In cooperation with OHCHR headquarters, it provided training to civil society on the United Nations human rights protection mechanisms and organized a seminar on reparations in cases of sexual and gender-based violence.

88. OHCHR-Guatemala participated as an observer in the council for monitoring and implementing the reparations policy for the 33 indigenous communities affected by the construction of the Chixoy hydroelectric dam.

89. In coordination with the Robert F. Kennedy Center for Justice and Human Rights, OHCHR-Guatemala prepared a study, which will be made public in 2016, on the impact of hydroelectric projects on the rights of indigenous peoples.

90. OHCHR-Guatemala continued to promote human rights debates through interviews, press releases, press conferences and meetings with journalists, and the presentation of its annual report. It took part in more than 20 human rights training activities for teachers, young people, educators and librarians. It continued to participate in the Working Group on Education for Peace, Memory and Human Rights. It also published information and education materials for children, young people and people of African descent. It collaborated with the Sixth International Film Festival on Memory, Truth and Justice and organized the photo exhibition "Diverse Guatemala" at the University of San Carlos.

XI. Cooperation with United Nations human rights mechanisms

91. OHCHR-Guatemala supported the official visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, from 11 to 20 May.

92. OHCHR-Guatemala provided technical assistance to the Presidential Secretariat for Women in preparing the periodic report of Guatemala on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. It also provided technical assistance to CODISRA, the Presidential Commission for Human Rights and the Ministry of Foreign Affairs in the framework of the presentation of the periodic report of Guatemala to the Committee on the Elimination of Racial Discrimination.

93. OHCHR-Guatemala provided technical assistance to organizations for indigenous peoples and Afro-descendants in drawing up the shadow report for the Committee on the Elimination of Racial Discrimination and supported the participation of a delegation of indigenous women at the eighty-sixth session of the Committee, held in Geneva.

XII. Recommendations

94. **The United Nations High Commissioner for Human Rights:**

(a) **Urges the Government of Guatemala to implement, in a coordinated manner, and in consultation with civil society, the recommendations made in previous reports, as well as the recommendations of the United Nations human rights mechanisms;**

(b) **Urges Congress to approve the amendments to the Law on the Judicial Career, the Organizational Law of the Attorney General's Office, the Law on the Judiciary, the Law on Injunction and the Law on Impeachment, to ensure that the legal framework guarantees an independent, impartial and transparent justice system;**

(c) **Calls on the competent authorities to allocate adequate funding to the institutions of the judiciary so that it functions effectively, in particular to the Attorney General's Office to, among other things, enhance its presence at the municipal level in dialogue with indigenous authorities in their territories;**

(d) **Reiterates his call to all judicial authorities to pursue their efforts to investigate human rights violations committed in the context of the armed conflict and to prosecute perpetrators;**

(e) **Encourages the Supreme Court and the Attorney General's Office to continue efforts to adopt policies aimed at improving indigenous peoples' access to justice;**

(f) **Reiterates his call to the judiciary to continue to allocate sufficient resources to the specialized tribunals on femicide and other forms of violence against women, and to expand their geographic coverage;**

(g) **Urges the State to develop and implement comprehensive prison system reform with a human rights approach, including for centres under the authority of the National Civil Police;**

(h) **Reiterates his call to the judiciary and the Attorney General to make efforts to rationalize the use of deprivation of liberty and broaden the application of alternative measures, in particular for indigenous people;**

(i) **Urges the Ministry of the Interior to prioritize measures for violence prevention, particularly those aimed at young people, including by strengthening the National Civil Police, in terms of professionalism and internal control, through adequate resources;**

(j) Reiterates his recommendation to gradually remove the army from citizen security tasks;

(k) Encourages the DIGESSP to continue to supervise and control the activities of private security companies, ensuring their compliance with national legislation and international standards;

(l) Calls upon judicial authorities to ensure that all attacks against journalists and human rights defenders are properly investigated and thatperpetrators are prosecuted and punished;

(m) Urges the authorities to ensure the prompt establishment of a mechanism to protect journalists and to develop a comprehensive policy for the protection of human rights defenders;

(n) Urges the authorities to strengthen efforts to address the high rate of early pregnancy, and to ensure the accessibility and availability of sexual and reproductive health services that are youth-friendly;

(o) Calls on the Government to strengthen indigenous institutions, through greater political and budget support and transparency in the appointment of their officials;

(p) Urges the Ministry of the Environment and Natural Resources to ensure that environmental and social impact studies of extractive projects are made by competent and independent entities, include evaluations of their impact on the social, cultural and spiritual values of indigenous peoples, and take into account the right to consultation, in line with international standards;

(q) Recommends the prompt ratification of the Domestic Workers Convention, 2011 (No. 189) of ILO;

(r) Reiterates to the Government the need to allocate sufficient resources for the functioning of the General Labour Inspectorate and to promote legal reforms to allow the Ministry of Labour and Social Security to impose sanctions in cases where labour rights are infringed;

(s) Urges the adoption of measures to fully implement the agrarian policy, including providing FONTIERRAS and the Secretariat of Agrarian Affairs with sufficient financial resources to perform their functions;

(t) Recommends increasing the budget allocated to health care, and adopting measures to consolidate a national health system accessible to all, without discrimination, including in rural areas, with special attention paid to the prevention of child malnutrition.